S.B. Criminal Misc. Bail Application No.2802/2006

Date : 10.07.2006

**HON'BLE MR.SATYA PRAKASH PATHAK, J.**

Mr. Ramesh Purohit for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that alleged contraband 'Opium' recovered from the accused applicant is below commercial quantity. He further submits that since last few months, accused-applicant is in jail, no recovery is to be made from him and trial is likely to take long time, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Kanhaiya Das son of Narayan Das Vairagi shall be released on bail in FIR No.47/2006 P.S. Dhamotar, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(SATYA PRAKASH PATHAK), J.**